



# North Dakota Legislative Council

Prepared by the Legislative Council staff  
February 2021

## **TESTIMONY - HOUSE CONCURRENT RESOLUTION NO. 3001 SENATE TRANSPORTATION (FORT TOTTEN ROOM- 10:00 AM) FEBRUARY 18, 2021**

Chairman Clemens and members of the Senate Transportation Committee, good morning. For the record, my name is Dustin Assel. I am a staff attorney with the Legislative Council. I staffed the most recent interim Agriculture and Transportation Committee, which worked on, drafted, and recommended House Concurrent Resolution No. 3001 (2021), which is before you today. This testimony for House Concurrent Resolution No. 3001 (2021) is provided in a neutral capacity. I am here only to provide background and information regarding the recommendations of the interim committee.

The resolution was introduced by the Legislative Management at the request of the 2019-20 interim Agriculture and Transportation Committee. Section 2 of Senate Bill No. 2176 (2019) directed a study of the feasibility and desirability of creating a road train pilot program. The study included consultation with the department of transportation, highway patrol, agriculture commissioner, industrial commission, department of commerce, the upper great plains transportation institute, and the governor. The study was also required to include an assessment of the federal regulations impacting road train operations, the economic impact of permitting road train operations in the state, and the costs associated with implementing a road train pilot program.

During the course of the study, the interim committee learned that road trains are trucking vehicles consisting of two or more connected trailers or semitrailers linked and hauled by a single operating prime mover or tractor unit in the front. Australia and several countries in Europe are using road trains as a way to move large amounts of freight and counteract a current shortage of CDL (commercial)-licensed truck drivers. The United States Department of Transportation Federal Highway Administration is responsible for certifying state compliance with federal standards regarding commercial motor vehicle (CMV) size and weight to preserve the nation's infrastructure and keep vehicles moving efficiently on the highways.

Federal and state law places limits on the size and weight of motor vehicles allowed on the national network of highways. Cargo carrying length and weight on the national network are subject to federal limitations of approximately 100 feet and 80,000 gross pounds, depending on the truck configuration, and exceptions. North Dakota has grandfathered provisions, in Chapter 39-12 which allow trucks up to 110 feet and 105,500 pounds depending on truck configuration and roadway used. There is also a limited transportation network in the state which authorizes vehicles up to 129,000 pounds on certain routes.

During the course of the interim committee's work on this topic, the committee received testimony indicating a road train pilot program may be a viable solution to the issue in the state regarding increased freight demands, a shortage of CDL drivers, and decreasing railroad availability by moving more freight with bigger trucking loads. The committee also received testimony from representatives of the Department of Transportation and the Highway Patrol regarding how an intrastate and interstate road train pilot program would operate, state and federal approvals required, concerns, and recommendations. The testimony indicated there are issues with attempting to implement a pilot program at this time because there are no mechanisms which allow trucks which are longer and heavier than those allowed under federal law to be operated on the national network due to federal restrictions on truck weights and lengths on the national network of highways. The testimony further indicated a pilot program could not currently be conducted on the national network using longer and heavier trucks unless federal restrictions are lifted or changed. The testimony indicated there is potential to allow longer and heavier trucks on state highways not connected to the national network and which do not receive any federal funding. However, according to the testimony, most of the roadways that could be authorized to allow longer and heavier trucks in the state are two-lane highways with no shoulders, and because safety is a concern, a pilot program would be most beneficial on major roadways, which all are on the national network. There was also a concern with using heavier trucks on bridges which use a specific formula to calculate maximum weights based on truck length and axle configurations.

The committee noted federal approval would be required in order for the state to be allowed to operate a pilot program which allows longer and heavier truck configurations on the national network than what are currently allowed by federal law.

With the previously discussed background in mind, the interim committee recommended House Concurrent Resolution No. 3001 to urge congress to temporarily amend the weight and length restrictions on the national network to allow the state to conduct a road train pilot program, and to permanently amend the restrictions if the pilot program is successful.

Mr. Chairman, that concludes the information I have prepared for you today on this resolution.